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Attorneys for Plaintiff
FINJAN, INC.

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

FINJAN, INC., a Delaware Corporation,

Plaintiff,

V.

BLUE COAT SYSTEMS, INC., a Delaware
Corporation,

Defendant.

Case No.:

COMPLAINT FOR PATENT INFRINGEMENT

DEMAND FOR JURY TRIAL

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Finjan, Inc. (“Finjan”) files this Complaint for Patent Infringement and Jury Demand against Defendant Blue Coat Systems, Inc. (“Defendant” or “Blue Coat”) and alleges as follows:

THE PARTIES

1. Finjan is a corporation organized and existing under the laws of Delaware, with its principal place of business at 2000 University Ave., Ste. 600, East Palo Alto, California 94303.

2. Blue Coat is a corporation organized and existing under the laws of Delaware, with its principal place of business at 420 North Mary Avenue, Sunnyvale, California 94085.

JURISDICTION AND VENUE

3. This action arises under the Patent Act, 35 U.S.C. § 101 *et seq.* This Court has original jurisdiction over this controversy pursuant to 28 U.S.C. §§ 1331 and 1338.

4. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b) and (c) and/or 1400(b).

5. This Court has personal jurisdiction over Defendant. Upon information and belief, Defendant has conducted business in this District and continues to infringe and/or induce the infringement in this District. Defendant also markets its products primarily in and from this District. In addition, the Court has personal jurisdiction over Defendant because it has established minimum contacts with the forum and the exercise of jurisdiction would not offend traditional notions of fair play and substantial justice.

INTRADISTRICT ASSIGNMENT

6. Pursuant to Local Rule 3-2(c), Intellectual Property Actions are assigned on a district-wide basis.

FINJAN'S INNOVATIONS

7. Finjan was founded in 1997 as a wholly-owned subsidiary of Finjan Software Ltd., an

1 Israeli corporation. Finjan was a pioneer in developing proactive security technologies capable of
2 detecting previously unknown and emerging online security threats, recognized today under the
3 umbrella of “malware.” These technologies protect networks and endpoints by identifying suspicious
4 patterns and behaviors of content delivered over the Internet. Finjan has been awarded, and continues
5 to prosecute, numerous patents in the United States and around the world as a result of Finjan’s more
6 than decade-long research and development efforts, supported by many inventors.
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8. Finjan built and sold software, including application programming interfaces and
9 appliances for network security, using these patented technologies. Finjan’s licensing partners
10 continue to support these products and customers. At its height, Finjan employed nearly 150
11 employees around the world, building and selling security products, while operating the Malicious
12 Code Research Center through which it frequently published research regarding network security and
13 current threats on the Internet. Finjan’s pioneering approach to online security drew equity
14 investments from two major software and technology companies, the first in 2005 and the second in
15 2006.
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17. Finjan generated millions of dollars in product sales and related services and support
18 revenues through 2009, when it spun off certain hardware and technology assets in a merger. Pursuant
19 to this merger, Finjan was bound to a non-compete and confidentiality agreement, under which it
20 could not make or sell a competing product or disclose the existence of the non-compete clause.
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22. Finjan became a publicly traded company in June 2013, capitalized with \$30 million.
23 After Finjan’s obligations under the non-compete and confidentiality agreement expired in March
24 2015, Finjan re-entered the development and production sector of secure products for the consumer
25 market. On June 16, 2015, Finjan introduced its first Finjan Mobile Secure Browser, which offers
26 users security and awareness to keep their data safe while surfing the web on their mobile devices.
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1 11. Finjan's commitment to innovation in the security space continues through incubating
2 and investing in up-and-coming technology startups that are pioneering a new generation of security
3 technologies. Finjan has distributed \$1 million of a \$5 million commitment to one such startup so far.
4 Additionally, in June 2015, Finjan announced the expansion of its "Mobile Defense Challenge 2015"
5 for College Students, in which a \$40,000 grant will be awarded to develop a winning security
6 application. Also in June 2015, Finjan launched CybeRisk Security Solutions, a product that provides
7 cybersecurity risk advisory services to customers around the world.
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9 12. Finjan's founder and original investors are still involved with and invested in the
10 company today, as are a number of other key executives and advisors. Finjan continues to work with
11 inventors, acquire technology companies, and invest in research laboratories, startups and
12 universities.

13 13. On March 18, 2014, U.S. Patent No. 8,677,494 ("the '494 Patent"), entitled
14 MALICIOUS MOBILE CODE RUNTIME MONITORING SYSTEM AND METHODS, was issued
15 to Yigal Mordechai Edery, Nimrod Itzhak Vered, David R. Kroll and Shlomo Touboul. A true and
16 correct copy of the '494 Patent is attached to this Complaint as Exhibit A and is incorporated by
17 reference herein.

19 14. All rights, title, and interest in the '494 Patent have been assigned to Finjan, who is the
20 sole owner of the '494 Patent. Finjan has been the sole owner of the '494 Patent since its issuance.
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22 15. The '494 Patent is generally directed towards computer networks and more
23 particularly provides a system that protects devices connected to the Internet from undesirable
24 operations from web-based content. One of the ways in which this is accomplished is by deriving
25 security profiles for content and storing the profiles in a database.
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1 16. On October 22, 2013, U.S. Patent No. 8,566,580 ("the '580 Patent"), entitled
2 SPLITTING AN SSL CONNECTION BETWEEN GATEWAYS, was issued to Yuval Ben-Itzhak,
3 Shay Lang and Dmitry Rubinstein. A true and correct copy of the '580 Patent is attached to this
4 Complaint as Exhibit B and is incorporated by reference herein.

5 17. All rights, title, and interest in the '580 Patent have been assigned to Finjan, who is the
6 sole owner of the '580 Patent. Finjan has been the sole owner of the '580 Patent since its issuance.

7 18. The '580 Patent is generally directed towards a system for secure communication.
8 The '580 Patent generally discloses a system which uses an SSL connector to provide secure
9 communication.

10 19. On November 28, 2000, U.S. Patent No. 6,154,844 ("the '844 Patent"), entitled
11 SYSTEM AND METHOD FOR ATTACHING A DOWNLOADABLE SECURITY PROFILE TO
12 A DOWNLOADABLE, was issued to Shlomo Touboul and Nachshon Gal. A true and correct copy
13 of the '844 Patent is attached to this Complaint as Exhibit C and is incorporated by reference herein.

14 20. All rights, title, and interest in the '844 Patent have been assigned to Finjan, who is the
15 sole owner of the '844 Patent. Finjan has been the sole owner of the '844 Patent since its issuance.

16 21. The '844 Patent is generally directed towards computer networks, and more
17 particularly, provides a system that protects devices connected to the Internet from undesirable
18 operations from web-based content. One of the ways this is accomplished is by linking a security
19 profile to such web-based content to facilitate the protection of computers and networks from
20 malicious web-based content or to provide further analysis of potential threats on the Internet.

21 22. On November 15, 2005, U.S. Patent No. 6,965,968 ("the '968 Patent"), entitled
22 POLICY-BASED CACHING, was issued to Shlomo Touboul. A true and correct copy of the '968
23 Patent is attached to this Complaint as Exhibit D and is incorporated by reference herein.

1 23. All rights, title, and interest in the ‘968 Patent have been assigned to Finjan, who is the
2 sole owner of the ‘968 Patent. Finjan has been the sole owner of the ‘968 Patent since its issuance.

3 24. The ‘968 Patent is generally directed towards methods and systems for enabling
4 policy-based cache management to determine if digital content is allowable relative to a policy. One
5 of the ways this is accomplished is scanning digital content to derive a content profile and
6 determining whether the digital content is allowable for a policy based on the content profile.

7 25. On August 26, 2008, U.S. Patent No. 7,418,731 (“the ‘731 Patent”), entitled
8 **METHOD AND SYSTEM FOR CACHING AT SECURE GATEWAYS**, was issued to Shlomo
9 Touboul. A true and correct copy of the ‘731 Patent is attached to this Complaint as Exhibit E and is
10 incorporated by reference herein.

12 26. All rights, title, and interest in the ‘731 Patent have been assigned to Finjan, who is the
13 sole owner of the ‘731 Patent. Finjan has been the sole owner of the ‘731 Patent since its issuance.

14 27. The ‘731 Patent is generally directed towards methods and systems for providing an
15 efficient security system. One of the ways this is accomplished is by implementing a variety of
16 caches to increase performance of the system.

18 28. On December 13, 2011, U.S. Patent No. 8,079,086 (“the ‘086 Patent”), entitled
19 **MALICIOUS MOBILE CODE RUNTIME MONITORING SYSTEM AND METHODS**, was issued
20 to Yigal Mordechai Edery, Nimrod Itzhak Vered, David R Kroll and Shlomo Touboul. A true and
21 correct copy of the ‘086 Patent is attached to this Complaint as Exhibit F and is incorporated herein.

23 29. All rights, title, and interest in the ‘086 Patent have been assigned to Finjan, who is the
24 sole owner of the ‘086 Patent. Finjan has been the sole owner of the ‘086 Patent since its issuance.

25 30. The ‘086 Patent is generally directed towards computer networks and, more
26 particularly, provides a system that protects devices connected to the Internet from undesirable

1 operations from web-based content. One of the ways this is accomplished is by creating a profile of
2 the web-based content and sending a representation of these profiles to another computer for
3 appropriate action.

4 31. On July 17, 2012, U.S. Patent No. 8,225,408 ("the '408 Patent"), entitled METHOD
5 AND SYSTEM FOR ADAPTIVE RULE-BASED CONTENT SCANNERS, was issued to Moshe
6 Rubin, Moshe Matitya, Artem Melnick, Shlomo Touboul, Alexander Yermakov and Amit Shaked. A
7 true and correct copy of the '408 Patent is attached to this First Supplemental Complaint as Exhibit G
8 and is incorporated by reference herein.

9 32. All rights, title, and interest in the '408 Patent have been assigned to Finjan, who is the
10 sole owner of the '408 Patent. Finjan has been the sole owner of the '408 Patent since its issuance.

11 33. The '408 Patent is generally directed towards network security and, in particular, rule
12 based scanning of web-based content for a variety of exploits written in different programming
13 languages. One of the ways in which this is accomplished is by expressing the exploits as patterns of
14 tokens. Additionally, the system provides a way to analyze these exploits by using a parse tree.

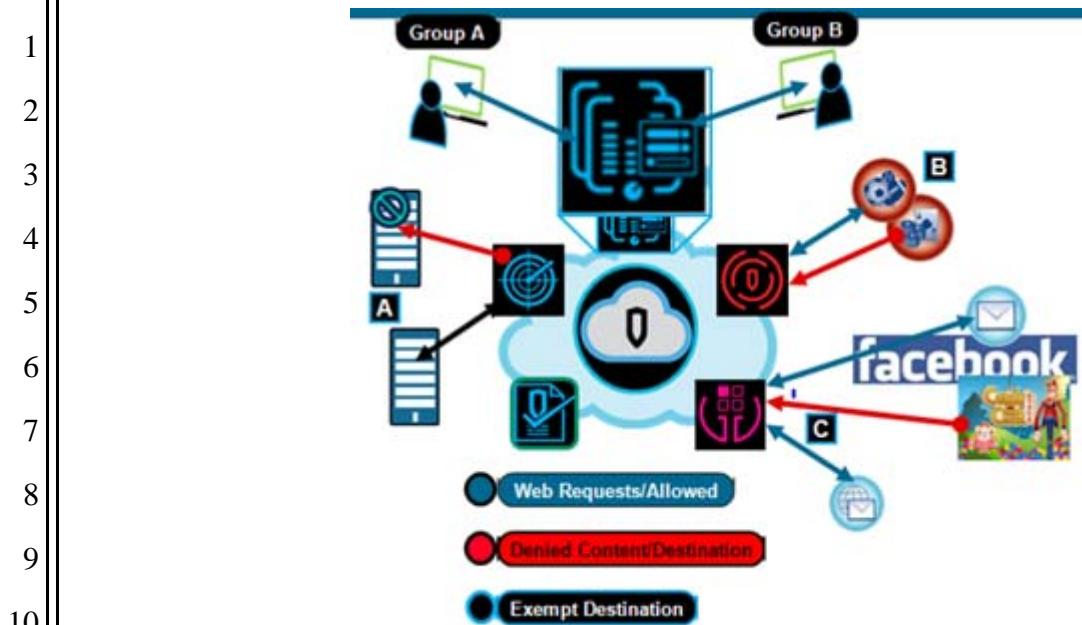
15 **BLUE COAT**

16 34. Blue Coat makes, uses, sells, offers for sale, and/or imports into the United States and
17 this District its Web Security Service, WebPulse Cloud Service, ProxySG Appliances and Software,
18 Blue Coat Systems SV2800 and SV3800, Malware Analysis Appliances and Software, Security
19 Analytics Platform, Content Analysis System, and Mail Threat Defense, S400-10 and S400-20, which
20 in combination form Blue Coat's Advanced Threat Protection Lifecycle Defense:
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1 ADVANCED THREAT PROTECTION LIFECYCLE DEFENSE
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3 https://image.slidesharecdn.com/lifecycle-poster-v2-131023233916-phpapp01/95/advanced-threat-
4 protection-lifecycle-infographic-1-1024.jpg?cb=1394539516 (attached as Exhibit H).

5 35. The Blue Coat Web Security Service is a family of Blue Coat Cloud Services that
6 provides, without limitation: malware scanning, web and content filtering, real-time advanced threat
7 protection, behavioral analysis, generation of proactive malware defenses and security profiles in
8 response to downloadable files and data received, and secure caching of that data and security profile
9 information. See <https://www.bluecoat.com/documents/download/3b698df2-62ab-4354-8dce-fc4d7b2cd752/34572c90-898b-4852-8055-c6cec6c64852> (attached as Exhibit I). The Blue Coat
10 Web Security Service also provides policies, such as global settings (basic policy), granular rules
11 (advanced policy) or verdict policy which are efficiently applied in deciding the allowability of
12 content requested by various groups of users:
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See https://bto.bluecoat.com/sites/default/files/tech_pubs/BCWSSPolicyCookbook.pdf (attached as Exhibit J).

Create New Rule: Verdict

Who	From Where	To Where	What	When	Limits	Verdict
Anyone			Anything	Always	No Limits	

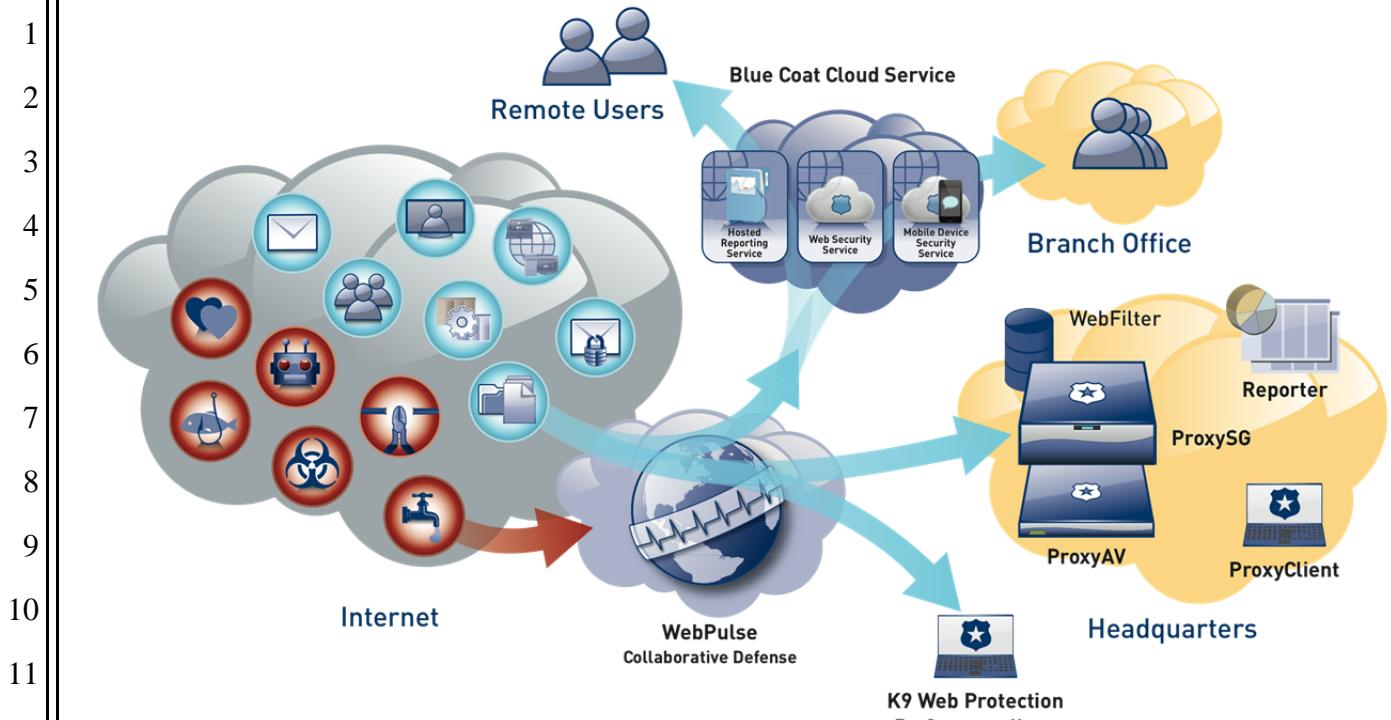
Allow with Coach

Coaching Message will be displayed every 60 Minutes. [Change]
End users must first acknowledge the following message to continue to their destination:
Access to your requested resource has been logged by your organization's Content Filtering Policy.
If you have a legitimate reason to access this site please click to continue.
For assistance, please contact your network support team.

Block

Id.

36. The Blue Coat WebPulse Cloud Service is a cloud-based infrastructure utilizing multiple technologies to analyze content requests and can be used with the ProxySG Appliances and Software and Blue Coat's Web Security Service as shown below:



<http://www.bluecoat.com/documents/download/d84549c4-05f3-4c64-920c-f48cdccad4ae/4e23e1a8-b292-4aff-9271-e2431918dc0f> at 2 (attached as Exhibit K). WebPulse includes Dynamic Real-Time Rating (“DRTR”) to analyze unknown content in real-time, including parsing incoming program code for potential exploits. WebPulse capabilities includes more than 20 detection and rating modules that accept web categorization requests from its over 75 million users around the world. *See Bcs_WebPulse_Tech_Overview_wp_v1b.pdf* at 7-8 (attached as Exhibit L); *see also bcs_ds_Web_Security_Service_EN_v5a.pdf* at 1 (attached as Exhibit I); *see also https://www.bluecoat.com/security/security-archive/2012-04-13/webpulse-nutshell* (attached as Exhibit M).

37. The Blue Coat ProxySG Appliances and Software provide, without limitation, web filtering, data loss prevention, inspection, content caching, bandwidth management, and stream-splitting. The ProxySG Appliances and Software include the ProxySG S200, ProxySG S300, ProxySG S400, ProxySG S500, ProxySG S600, ProxySG S900 and ProxySG S9000. *See*

1 <https://www.bluecoat.com/products/proxysg-secure-web-gateway> (attached as Exhibit N).

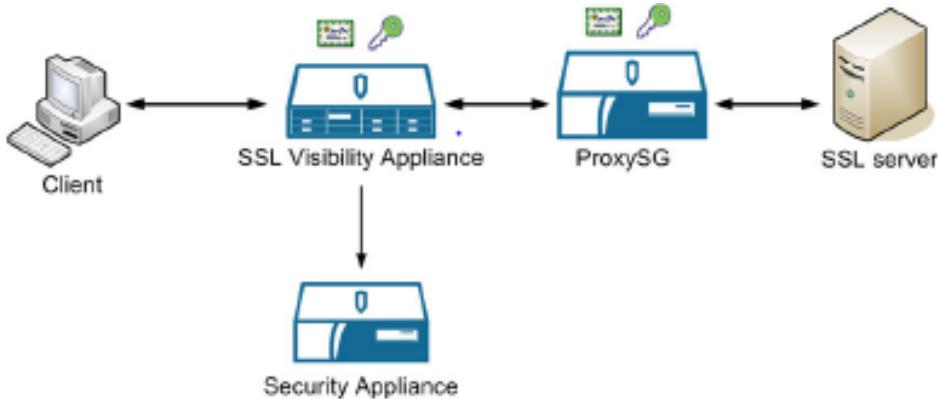
2 38. The Blue Coat ProxySG Appliances and Software enforce network policy utilizing the
 3 Blue Coat Policy Processing Engine, the Visual Policy Manager (VPM) and a syntax known as
 4 Content Policy Language (CPL). *See* <https://bto.bluecoat.com/documentation/All->
 5 [Documents/ProxySG](#) (attached as Exhibit O); *also see*
 6 https://bto.bluecoat.com/sites/default/files/tech_pubs/SGOS%20Administration%20Guide_0.pdf at
 7 62 (attached as Exhibit P).

8 39. The Blue Coat ProxySG Appliances and Software are able to cache an object each
 9 time a request is received and check its object store for a cached copy.

10 Preventing Malware with Blue Coat Proxies.pdf at 7 (attached as Exhibit Q).

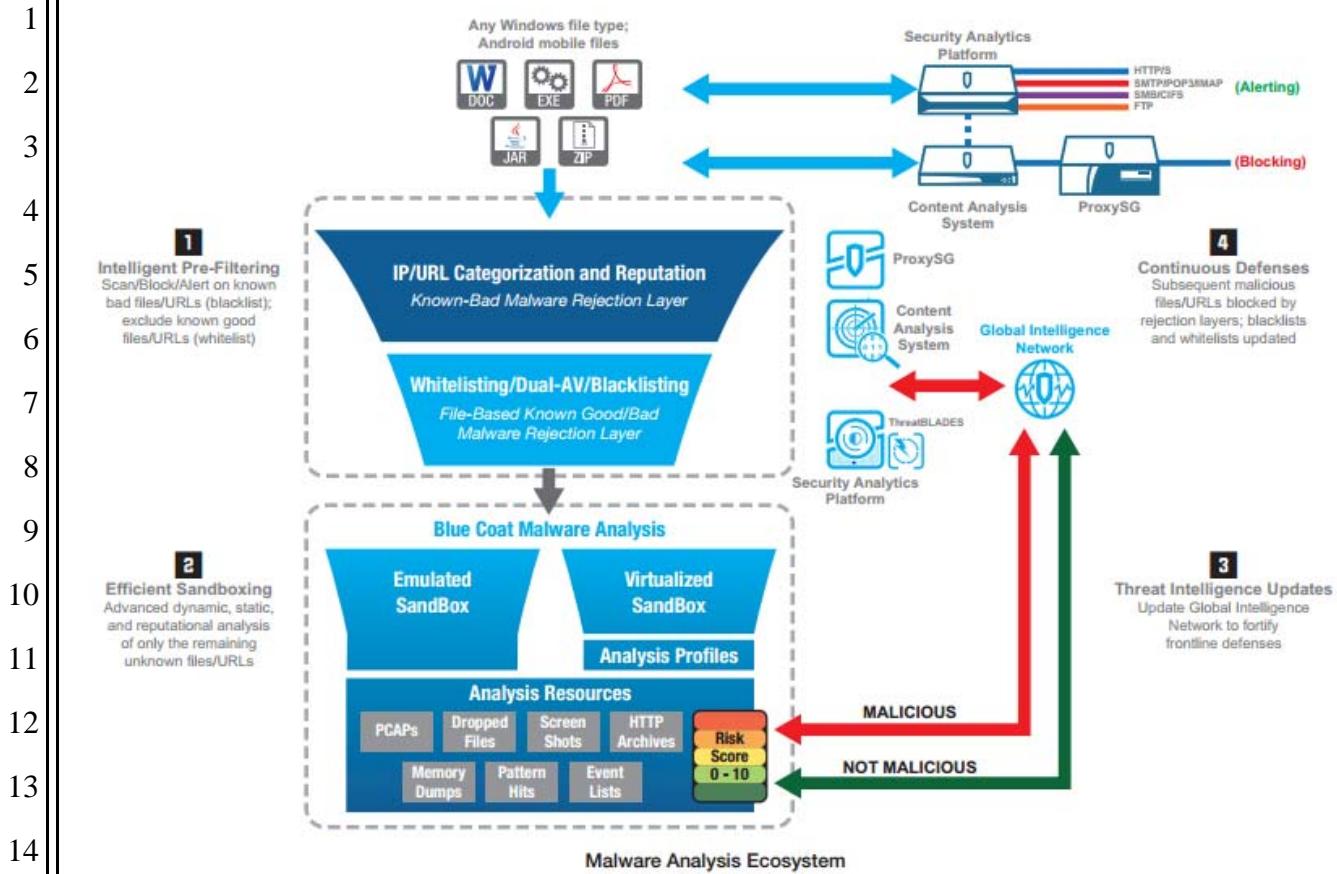
11 40. The Blue Coat Systems SV2800 and SV3800 are able to enforce policies. The Blue
 12 Coat Systems SV2800 and SV3800 are appliances that provide complete inspection, visibility, and
 13 control of SSL-encrypted traffic, allowing a user to add policy-based SSL management capabilities.
 14 The Blue Coat Systems SV2800 and SV3800 can be transparent thereby eliminating the need for
 15 network reconfiguration, IP addressing or topology changes or modification to client IP and web
 16 browser configurations. *See* <https://www.bluecoat.com/documents/download/462306fa-1514-481d->
 17 [899a-0ad57c59a9e7/3a25e097-3f1a-4de8-b5fd-e42c037af57b](#) (attached as Exhibit R). SV2800 and
 18 SV3800 also support both passive and active appliances as well as in-line and tap modes of operation.
 19 *Id.* They can also preserve applications by delivering decrypted plaintext to security appliances as a
 20 generated TCP stream with the packet headers as they were received, thereby allowing applications
 21 and appliances, such as NGFW, IDS/IPS, DLP and forensics, to expand their scope and provide
 22 protection from previously hidden traffic and potential threats. *Id.* Blue Coat's SV2800 and SV3800
 23 can also work in conjunction with Blue Coat's ProxySG Appliances and Software to add, without
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1 limitation, data loss prevention, sandboxing, firewall, and intrusion prevention systems with complete
 2 visibility into SSL /TLS traffic. *See* <https://www.bluecoat.com/products/ssl-visibility-appliance>
 3 (attached as Exhibit S).



11 *See* https://bto.bluecoat.com/sites/default/files/tech_pubs/SV2800_SV3800_Admin-Guide_3.7_1.pdf
 12 at pg. 76 (attached as Exhibit T)(Describing deploying SSL Visibility Appliance in networks that
 13 already have an SSL proxy device in place that is inspecting some of the outgoing SSL traffic using
 14 certificate resign. The SSL Visibility Appliance would typically be deployed in order to allow other
 15 security appliances to view inspected traffic in addition to the existing proxy device that may not
 16 have an ability to pass inspected traffic to other devices).

18 41. The Blue Coat Malware Analysis Appliances and Software comprise a customizable
 19 sandbox solution that provides malware detonation and analysis using a dual-detection approach that
 20 combines virtualization and emulation to capture malicious behavior across a wide range of custom
 21 environments. The Malware Analysis Appliances and Software generate security profiles for
 22 downloadables that include a list of suspicious operations. The Malware Analysis Appliances and
 23 Software can also work in conjunction with Blue Coat's WebPulse or Security Analytics Platform to
 24 disseminate, store, and implement these profiles. *See*
 25 bcs_ds_Malware_Analysis_Appliance_S400_S500_EN_v2f.pdf (attached as Exhibit U).



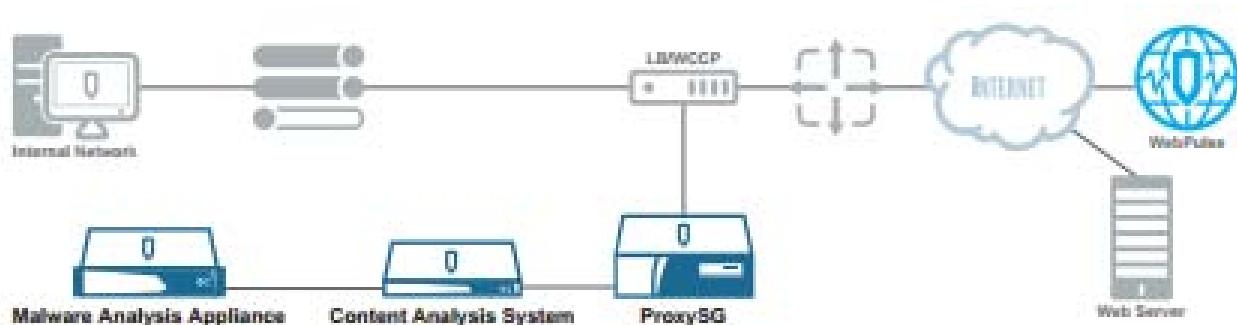
Id. at 4. The Blue Coat Malware Analysis System Appliances and Software include the Malware Analysis Appliance S400-10 and S500-10. *Id.* at 3.

42. The Blue Coat Security Analytics Platform is software that delivers complete visibility of web traffic within a network and also analyzes, collects, and reports forensic information of malicious downloadables. The Blue Coat Security Analytics Platform can work in conjunction with its Malware Analysis System Appliances and Software and WebPulse to derive and store security profiles of downloadables. For example, the Blue Coat Security Analytics Platform automatically detects, extracts, classifies and brokers suspicious or unknown files in real-time to the Blue Coat Malware Analysis Appliance for malware detonation and scoring. *See*

<https://www.bluecoat.com/products/security-analytics-platform> (attached as Exhibit V); *see also*

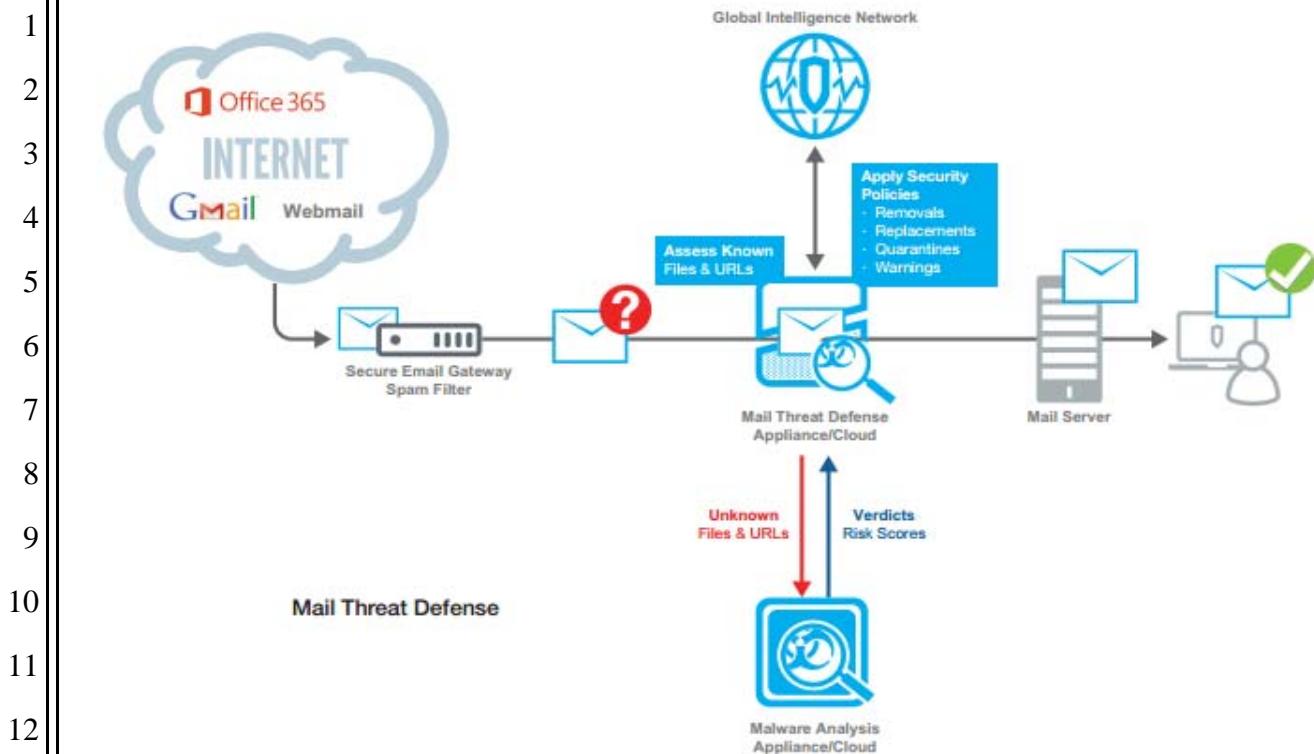
1 bcs_ds_Security_Analytics_Software_EN_v3c.pdf (attached as Exhibit W).

2 43. The Blue Coat Content Analysis System is a layered software platform that includes,
 3 without limitation, malware scanning, anti-virus, whitelisting and sandboxing technologies. The
 4 Content Analysis System works with its ProxySG and Malware Analysis Appliances and scans
 5 incoming content, derives a security profile for the content, and stores that content and related policy
 6 in caches.



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 12 See bcs_ds_Content_Analysis_System_S200_S400_S500_EN_v1a.pdf (attached as Exhibit X).

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 14 44. The Blue Coat Mail Threat Defense is a software platform that protects against threats
 15 transmitted by email and includes, without limitation, the ability to scan, inspect, and analyze all
 16 incoming downloadables, filter incoming data, sandbox downloadables for behavioral analysis, and
 17 generate, apply, and store downloadable security profiles or policies in a cache or database. The Blue
 18 Coat Mail Threat Defense appliance includes the MTD S400-10 and MTD S400-20 products, and can
 19 work in conjunction with the Malware Analysis Appliance MAA S400-10 product, as described
 20 below:
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See bcs_ds_Mail_Threat_Defense_S400_EN_v1h.pdf (attached as Exhibit Y).

BLUE COAT'S INFRINGEMENT OF FINJAN'S PATENTS

45. Defendant has been and is now infringing the '494 Patent, the '580 Patent, the '086 Patent, the '408 Patent, the '844 Patent, the '968 Patent and the '731 Patent, (collectively "the Patents-In-Suit") in this judicial District, and elsewhere in the United States by, among other things, making, using, importing, selling, and/or offering for sale the claimed system and methods on the Blue Coat Web Security Service, WebPulse Cloud Service in combination with ProxySG Appliances and Software, Blue Coat Systems SV2800 and SV3800 in combination with ProxySG Appliances and Software, Malware Analysis Appliances and Software in combination with WebPulse or Security Analytics Platform, ProxySG Appliances and Software in combination with Content Analysis System and Malware Analysis Appliances and Software and Mail Threat Defense S400-10 and S400-20 in combination with Malware Analysis Appliances and Software.

COUNT I**(Direct Infringement of the '494 Patent pursuant to 35 U.S.C. § 271(a))**

1 46. Finjan repeats, realleges, and incorporates by reference, as if fully set forth herein, the
 2 allegations of the preceding paragraphs.
 3

4 47. Defendant has infringed and continues to infringe one or more claims of the '494
 5 Patent in violation of 35 U.S.C. § 271(a).
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7 48. Defendant's infringement is based upon literal infringement or, in the alternative,
 8 infringement under the doctrine of equivalents.
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10 49. Defendant's acts of making, using, importing, selling, and/or offering for sale
 11 infringing products and services have been without the permission, consent, authorization or license
 12 of Finjan.
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14 50. Defendant's infringement includes, but is not limited to, the manufacture, use, sale,
 15 importation and/or offer for sale of Defendant's products and services, including but not limited to
 16 the Blue Coat Web Security Service, WebPulse Service in combination with ProxySG Appliances
 17 and Software, Malware Analysis Appliances and Software in combination with WebPulse or Security
 18 Analytics Platform and Mail Threat Defense S400-10 or S400-20 in combination with Malware
 19 Analysis Appliances and Software, which embody the patented invention of the '494 Patent.
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21 51. As a result of Defendant's unlawful activities, Finjan has suffered and will continue to
 22 suffer irreparable harm for which there is no adequate remedy at law. Accordingly, Finjan is entitled
 23 to preliminary and/or permanent injunctive relief.
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25 52. Defendant's infringement of the '494 Patent has injured and continues to injure Finjan
 26 in an amount to be proven at trial.
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28 53. Defendant has been well aware of the '494 Patent. On August 28, 2013, Finjan filed a
 29 complaint against Defendant for, *inter alia*, infringement of the U.S. Patent Nos. 6,804,780 and
 30

1 7,058,822 Patents, that are related to the ‘494 Patent, based in part on the manufacture, use, sale,
 2 importation and/or offer for sale of the Blue Coat ProxySG Appliances and Software. Furthermore,
 3 Defendant was on actual notice of the ‘494 Patent at least as of May 1, 2014 when Finjan and
 4 Defendant filed Second Joint Case Management Statement. *See Finjan, Inc. v. Blue Coat Systems,*
 5 *Inc.*, ND. Cal. Case No. 13-cv-03999-BLF, Dkt. No. 58 (Second Joint Case Management Statement
 6 & Proposed Order, Appendix B at 1, 3). Finjan also provided Blue Coat the entire file history of the
 7 ‘494 Patent on July 25, 2014. Despite the awareness of the ‘494 Patent, Defendant continues to
 8 manufacture, use, sale, import and/or offer for sale the Blue Coat Web Security Service, the Blue
 9 Coat WebPulse Service in combination with ProxySG and the Blue Coat Malware Analysis
 10 Appliances and Software in combination with WebPulse or Security Analytics Platform, while
 11 Defendant also elected to manufacture, use, sale, import and/or offer for sale the Mail Threat Defense
 12 S400-10 or S400-20 in combination with Malware Analysis Appliance S400-10, which embody the
 13 patented invention of the ‘494 Patent, at least as of July 7, 2015. *See*
 14 <https://www.bluecoat.com/blogs/2015-07-07/securing-agency-email-against-targeted-attacks>
 15 (attached as Exhibit Z); *see also* <https://www.bluecoat.com/documents/download/6c2783ab-7f0c-4ffd-b96a-9345d3723f7e/6fc3b569-eaf1-4d73-93c6-1f6fa8334c88> (attached as Exhibit AA). As
 16 such, Defendant has acted recklessly and continues to willfully, wantonly, and deliberately engage in
 17 acts of infringement of the ‘494 Patent, warranting an award to Finjan of enhanced damages under 35
 18 U.S.C. § 284, and attorneys’ fees and costs incurred under 35 U.S.C. § 285.
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COUNT II
(Direct Infringement of the ‘580 Patent pursuant to 35 U.S.C. § 271(a))

23 54. Finjan repeats, realleges, and incorporates by reference, as if fully set forth herein, the
 24 allegations of the preceding paragraphs.
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1 55. Defendant has infringed and continues to infringe one or more claims of the '580
2 Patent in violation of 35 U.S.C. § 271(a).

3 56. Defendant's infringement is based upon literal infringement or, in the alternative,
4 infringement under the doctrine of equivalents.

5 57. Defendant's acts of making, using, importing, selling, and/or offering for sale
6 infringing products and services have been without the permission, consent, authorization or license
7 of Finjan.

8 58. Defendant's infringement includes, but is not limited to, the manufacture, use, sale,
9 importation and/or offer for sale of Defendant's products and services, including but not limited to,
10 the Blue Coat Systems SV2800 and SV3800 in combination with ProxySG Appliances and Software,
11 which embody the patented invention of the '580 Patent.

12 59. As a result of Defendant's unlawful activities, Finjan has suffered and will continue to
13 suffer irreparable harm for which there is no adequate remedy at law. Accordingly, Finjan is entitled
14 to preliminary and/or permanent injunctive relief.

15 60. Defendant's infringement of the '580 Patent has injured and continues to injure Finjan
16 in an amount to be proven at trial.

17 61. Defendant has been well aware of the '580 Patent. On August 28, 2013, Finjan filed a
18 complaint against Defendant for infringement of six patents out of Finjan's patent portfolio based in
19 part on the manufacture, use, sale, importation and/or offer for sale of various products of Blue Coat.
20 Furthermore, Defendant was on actual notice of the '580 Patent at least as of May 1, 2014 when
21 Finjan and Defendant filed a Second Joint Case Management Statement. *See Finjan, Inc. v. Blue*
22 *Coat Systems, Inc.*, ND. Cal. Case No. 13-cv-03999-BLF, Dkt. No. 58 (Second Joint Case
23 Management Statement & Proposed Order, Appendix B at 3). Finjan also provided Blue Coat with
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1 the entire file history of the '580 Patent on October 7, 2014. Despite the awareness of the '580
 2 Patent, Defendant continues to manufacture, use, sale, import and/or offer for sale the Blue Coat
 3 Systems SV2800 and SV3800 in combination with ProxySG Appliances and Software, which
 4 embody the patented invention of the '580. As such, Defendant has acted recklessly and continues to
 5 willfully, wantonly, and deliberately engage in acts of infringement of the '580 Patent, warranting an
 6 award to Finjan of enhanced damages under 35 U.S.C. § 284, and attorneys' fees and costs incurred
 7 under 35 U.S.C. § 285.

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9 **COUNT III**
 10 **(Direct Infringement of the '086 Patent pursuant to 35 U.S.C. § 271(a))**

11 62. Finjan repeats, realleges, and incorporates by reference, as if fully set forth herein, the
 12 allegations of the preceding paragraphs.

13 63. Defendant has infringed and continues to infringe one or more claims of the '086
 14 Patent in violation of 35 U.S.C. § 271(a).

15 64. Defendant's infringement is based upon literal infringement or, in the alternative,
 16 infringement under the doctrine of equivalents.

17 65. Defendant's acts of making, using, importing, selling, and/or offering for sale
 18 infringing products and services have been without the permission, consent, authorization or license
 19 of Finjan.

21 66. Defendant's infringement includes, but is not limited to, the manufacture, use, sale,
 22 importation and/or offer for sale of Defendant's products and services, including but not limited to,
 23 the Blue Coat Mail Threat Defense S400-10 or S400-20 in combination with Malware Analysis
 24 Appliance S400-10, which embody the patented invention of the '086 Patent.

1 67. As a result of Defendant's unlawful activities, Finjan has suffered and will continue to
 2 suffer irreparable harm for which there is no adequate remedy at law. Accordingly, Finjan is entitled
 3 to preliminary and/or permanent injunctive relief.

4 68. Defendant's infringement of the '086 Patent has injured and continues to injure Finjan
 5 in an amount to be proven at trial.

6 69. Defendant has been well aware of the '086 Patent. On August 28, 2013, Finjan filed a
 7 complaint against Defendant for, *inter alia*, infringement of the U.S. Patent Nos. 7,058,822 and
 8 6,804,780, that are related to the '086 Patent, based in part on the manufacture, use, sale, importation
 9 and/or offer for sale of the Blue Coat ProxySG Appliances and Software. Furthermore, Defendant
 10 was on actual notice of the '086 Patent at least as of May 1, 2014 when Finjan and Defendant filed a
 11 Second Joint Case Management Statement. *See Finjan, Inc. v. Blue Coat Systems, Inc.*, ND. Cal.
 12 Case No. 13-cv-03999-BLF, Dkt. No. 58 (Second Joint Case Management Statement & Proposed
 13 Order, Appendix B at 1, 2). Finjan also provided Blue Coat on July 25, 2014 with the entire file
 14 history of the '086 Patent. Despite the awareness of the '086 Patent, Defendant elected to
 15 manufacture, use, sale, import and/or offer for sale the Blue Coat Mail Threat Defense S400-10 or
 16 S400-20 in combination with Malware Analysis Appliance S400-10, which embody the patented
 17 invention of the '086, at least as of July 7, 2015. *See* <https://www.bluecoat.com/blogs/2015-07-07/securing-agency-email-against-targeted-attacks> (attached as Exhibit Z); *see also*
 18 <https://www.bluecoat.com/documents/download/6c2783ab-7f0c-4ffd-b96a-9345d3723f7e/6fc3b569-eaf1-4d73-93c6-1f6fa8334c88> (attached as Exhibit AA). As such, Defendant has acted recklessly
 19 and continues to willfully, wantonly, and deliberately engage in acts of infringement of the '086
 20 Patent, warranting an award to Finjan of enhanced damages under 35 U.S.C. § 284, and attorneys'
 21 fees and costs incurred under 35 U.S.C. § 285.

COUNT IV**(Direct Infringement of the '408 Patent pursuant to 35 U.S.C. § 271(a))**

1 70. Finjan repeats, realleges, and incorporates by reference, as if fully set forth herein, the
2 allegations of the preceding paragraphs.
3

4 71. Defendant has infringed and continues to infringe one or more claims of the '408
5 Patent in violation of 35 U.S.C. § 271(a).
6

7 72. Defendant's infringement is based upon literal infringement or, in the alternative,
8 infringement under the doctrine of equivalents.
9

10 73. Defendant's acts of making, using, importing, selling, and/or offering for sale
11 infringing products and services have been without the permission, consent, authorization or license
12 of Finjan.
13

14 74. Defendant's infringement includes, but is not limited to, the manufacture, use, sale,
15 importation and/or offer for sale of Defendant's products and services, including but not limited to,
16 the Blue Coat Web Security Service, WebPulse in combination with ProxySG Appliances and
17 Software, Mail Threat Defense S400-10 or S400-20 in combination with Malware Analysis
18 Appliance S400-10, which embody the patented invention of the '408 Patent.
19

20 75. As a result of Defendant's unlawful activities, Finjan has suffered and will continue to
21 suffer irreparable harm for which there is no adequate remedy at law. Accordingly, Finjan is entitled
22 to preliminary and/or permanent injunctive relief.
23

24 76. Defendant's infringement of the '408 Patent has injured and continues to injure Finjan
25 in an amount to be proven at trial.
26

27 77. Defendant has been well aware of the '408 Patent. On August 28, 2013, Finjan filed a
28 complaint against Defendant for, *inter alia*, infringement of the U.S. Patent Nos. 6,804,780, which is
related to the '408 Patent, based in part on the manufacture, use, sale, importation and/or offer for
29

1 sale of the Blue Coat ProxySG Appliances and Software. Furthermore, Defendant was on actual
 2 notice of the '408 Patent at least as of May 1, 2014 when Finjan and Defendant filed a Second Joint
 3 Case Management Statement. *See Finjan, Inc. v. Blue Coat Systems, Inc.*, ND. Cal. Case No. 13-cv-
 4 03999-BLF, Dkt. No. 58 (Second Joint Case Management Statement & Proposed Order, Appendix B
 5 at 1, 2). Finjan also provided Blue Coat with the entire file history of the '408 Patent on July 25,
 6 2014. Despite the awareness of the '408 Patent, Defendant continues to manufacture, use, sale,
 7 import and/or offer for sale the Blue Coat Web Security Service and WebPulse in combination with
 8 ProxySG Appliances and Software, while Defendant also elected to manufacture, use, sale, import
 9 and/or offer for sale the Mail Threat Defense S400-10 and/or S400-20 in combination with Malware
 10 Analysis Appliance S400-10, which embody the patented invention of the '408, at least as of July 7,
 11 2015. *See* <https://www.bluecoat.com/blogs/2015-07-07/securing-agency-email-against-targeted-attacks> (attached as Exhibit Z); *see also* <https://www.bluecoat.com/documents/download/6c2783ab-7f0c-4ffd-b96a-9345d3723f7e/6fc3b569-eaf1-4d73-93c6-1f6fa8334c88> (attached as Exhibit AA). As
 12 such, Defendant has acted recklessly and continues to willfully, wantonly, and deliberately engage in
 13 acts of infringement of the '408 Patent, warranting an award to Finjan of enhanced damages under 35
 14 U.S.C. § 284, and attorneys' fees and costs incurred under 35 U.S.C. § 285.

19 **COUNT V**
 20 **(Direct Infringement of the '844 Patent pursuant to 35 U.S.C. § 271(a))**

21 78. Finjan repeats, realleges, and incorporates by reference, as if fully set forth herein, the
 22 allegations of the preceding paragraphs.

23 79. Defendant has infringed and continues to infringe one or more claims of the '844
 24 Patent in violation of 35 U.S.C. § 271(a).

25 80. Defendant's infringement is based upon literal infringement or, in the alternative,
 26 infringement under the doctrine of equivalents.

1 81. Defendant's acts of making, using, importing, selling, and/or offering for sale
2 infringing products and services have been without the permission, consent, authorization or license
3 of Finjan.

4 82. Defendant's infringement includes, but is not limited to, the manufacture, use, sale,
5 importation and/or offer for sale of Defendant's products and services, including but not limited to
6 the Blue Coat Web Security Service and Mail Threat Defense S400-10 and/or S400-20 in
7 combination with Malware Analysis Appliances and Software, which embody the patented invention
8 of the '844 Patent.

9 83. As a result of Defendant's unlawful activities, Finjan has suffered and will continue to
10 suffer irreparable harm for which there is no adequate remedy at law. Accordingly, Finjan is entitled
11 to preliminary and/or permanent injunctive relief.

12 84. Defendant's infringement of the '844 Patent has injured and continues to injure Finjan
13 in an amount to be proven at trial.

14 85. Defendant has been well aware of the '844 Patent. On August 28, 2013, Finjan filed a
15 complaint against Defendant for, *inter alia*, infringement of the '844 Patent based in part on the
16 manufacture, use, sale, importation and/or offer for sale of the Blue Coat WebPulse Service.
17 Defendant not only continues to manufacture, use, sale, import and/or offer for sale the same product
18 and the Web Security Service, but also elected to manufacture, use, sale, import and/or offer for sale
19 the Mail Threat Defense S400-10 and/or S400-20 in combination with Malware Analysis Appliances
20 and Software S400-10 at least as of July 7, 2015, which embody the patented invention of the '844.

21 See <https://www.bluecoat.com/blogs/2015-07-07/securing-agency-email-against-targeted-attacks>
22 (attached as Exhibit Z); see also <https://www.bluecoat.com/documents/download/6c2783ab-7f0c-4ffd-b96a-9345d3723f7e/6fc3b569-eaf1-4d73-93c6-1f6fa8334c88> (attached as Exhibit AA). As

1 such, Defendant has acted recklessly and continues to willfully, wantonly, and deliberately engage in
 2 acts of infringement of the '844 Patent, warranting an award to Finjan of enhanced damages under 35
 3 U.S.C. § 284, and attorneys' fees and costs incurred under 35 U.S.C. § 285.

4 **COUNT VI**

5 **(Direct Infringement of the '968 Patent pursuant to 35 U.S.C. § 271(a))**

6 86. Finjan repeats, realleges, and incorporates by reference, as if fully set forth herein, the
 7 allegations of the preceding paragraphs.

8 87. Defendant has infringed and continues to infringe one or more claims of the '968
 9 Patent in violation of 35 U.S.C. § 271(a).

10 88. Defendant's infringement is based upon literal infringement or, in the alternative,
 11 infringement under the doctrine of equivalents.

12 89. Defendant's acts of making, using, importing, selling, and/or offering for sale
 13 infringing products and services have been without the permission, consent, authorization or license
 14 of Finjan.

16 90. Defendant's infringement includes, but is not limited to, the manufacture, use, sale,
 17 importation and/or offer for sale of Defendant's products and services, including but not limited to
 18 the Blue Coat Web Security Service, ProxySG Appliances and Software in combination with Content
 19 Analysis System and Malware Analysis Appliances and Software, which embody the patented
 20 invention of the '968 Patent.

22 91. As a result of Defendant's unlawful activities, Finjan has suffered and will continue to
 23 suffer irreparable harm for which there is no adequate remedy at law. Accordingly, Finjan is entitled
 24 to preliminary and/or permanent injunctive relief.

25 92. Defendant's infringement of the '968 Patent has injured and continues to injure Finjan
 26 in an amount to be proven at trial.

93. Defendant has been well aware of the ‘968 Patent. On August 28, 2013, Finjan filed a complaint against Defendant for, *inter alia*, infringement of the ‘968 Patent based in part on the manufacture, use, sale, importation and/or offer for sale of the Blue Coat WebPulse Service and ProxySG Appliances and Software. Defendant not only continues to manufacture, use, sale, import and/or offer for sale the same products and the Web Security Service, but also elected to manufacture, use, sale, import and/or offer for sale ProxySG in combination with Content Analysis System and Malware Analysis Appliances and Software well after the filing of the original complaint and the Mail Threat Defense S400-10 and/or S400-20 in combination with Malware Analysis Appliances and Software S400-10 at least as of July 7, 2015, which embody the patented invention of the ‘968 Patent. See <https://www.bluecoat.com/blogs/2015-07-07/securing-agency-email-against-targeted-attacks> (attached as Exhibit Z); *see also* <https://www.bluecoat.com/documents/download/6c2783ab-7f0c-4ffd-b96a-9345d3723f7e/6fc3b569-eaf1-4d73-93c6-1f6fa8334c88> (attached as Exhibit AA). As such, Defendant has acted recklessly and continues to willfully, wantonly, and deliberately engage in acts of infringement of the ‘968 Patent, warranting an award to Finjan of enhanced damages under 35 U.S.C. § 284, and attorneys’ fees and costs incurred under 35 U.S.C. § 285.

COUNT VII

(Direct Infringement of the ‘731 Patent pursuant to 35 U.S.C. § 271(a))

94. Finjan repeats, realleges, and incorporates by reference, as if fully set forth herein, the allegations of the preceding paragraphs.

95. Defendant has infringed and continues to infringe one or more claims of the '731 Patent in violation of 35 U.S.C. § 271(a).

96. Defendant's infringement is based upon literal infringement or, in the alternative, infringement under the doctrine of equivalents.

1 97. Defendant's acts of making, using, importing, selling, and/or offering for sale
2 infringing products and services have been without the permission, consent, authorization or license
3 of Finjan.

4 98. Defendant's infringement includes, but is not limited to, the manufacture, use, sale,
5 importation and/or offer for sale of Defendant's products and services, including, but not limited to,
6 the Web Security Service, ProxySG Appliances and Software in combinations with Content Analysis
7 System and Malware Analysis Appliances and Software and the Mail Threat Defense S400-10 and/or
8 S400-20 in combination with Malware Analysis Appliances and Software S400-10, which embody
9 the patented invention of the '731 Patent.

11 99. As a result of Defendant's unlawful activities, Finjan has suffered and will continue to
12 suffer irreparable harm for which there is no adequate remedy at law. Accordingly, Finjan is entitled
13 to preliminary and/or permanent injunctive relief.

14 100. Defendant's infringement of the '731 Patent has injured and continues to injure Finjan
15 in an amount to be proven at trial.

17 101. Defendant has been well aware of the '731 Patent. On August 28, 2013, Finjan filed a
18 complaint against Defendant for, *inter alia*, infringement of the '731 Patent based in part on the
19 manufacture, use, sale, importation and/or offer for sale of the Blue Coat ProxySG Appliances and
20 Software and WebPulse Service. Defendant not only continues to manufacture, use, sale, import
21 and/or offer for sale the same products and the Web Security Service, but also elected to manufacture,
22 use, sale, import and/or offer for sale ProxySG in combinations with Content Analysis System and
23 Malware Analysis Appliances and Software well after the filing of the original complaint and the
24 Mail Threat Defense S400-10 and/or S400-20 in combination with Malware Analysis Appliances and
25 Software S400-10 at least as of July 7, 2015, which embody the patented invention of the '731 Patent.
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27
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1 *See* <https://www.bluecoat.com/blogs/2015-07-07/securing-agency-email-against-targeted-attacks>
 2 (attached as Exhibit Z); *see also* <https://www.bluecoat.com/documents/download/6c2783ab-7f0c-4ffd-b96a-9345d3723f7e/6fc3b569-eaf1-4d73-93c6-1f6fa8334c88> (attached as Exhibit AA). As
 3 such, Defendant has acted recklessly and continues to willfully, wantonly, and deliberately engage in
 4 acts of infringement of the '731 Patent, warranting an award to Finjan of enhanced damages under 35
 5 U.S.C. § 284, and attorneys' fees and costs incurred under 35 U.S.C. § 285.

6 **PRAYER FOR RELIEF**

7 WHEREFORE, Finjan prays for judgment and relief as follows:

8 A. An entry of judgment holding Defendant has infringed, is infringing the '494 Patent,
 9 the '580 Patent, the '086 Patent, the '408 Patent, the '844 Patent, the '968 Patent and the '731 Patent.

10 B. A preliminary and permanent injunction against Defendant and its officers, employees,
 11 agents, servants, attorneys, instrumentalities, and/or those in privity with them, from infringing the
 12 '494 Patent, the '580 Patent, the '086 Patent, the '408 Patent, the '844 Patent, the '968 Patent and the
 13 '731 Patent and for all further and proper injunctive relief pursuant to 35 U.S.C. § 283;

14 C. An award to Finjan of such damages as it shall prove at trial against Defendant that is
 15 adequate to fully compensate Finjan for Defendant's infringement of the '494 Patent, the '580 Patent,
 16 the '086 Patent, the '408 Patent, the '844 Patent, the '968 Patent and the '731 Patent where said
 17 damages shall be no less than a reasonable royalty;

18 D. A determination that Defendant's infringement has been willful, wanton, and
 19 deliberate and that Finjan is entitled to up to treble damages on this basis;

20 E. A finding that this case is "exceptional" and an award to Finjan of its costs and
 21 reasonable attorney's fees, as provided by 35 U.S.C. § 285.

1 F. An accounting of all infringing sales and revenues, together with postjudgment interest
2 and prejudgment interest from the first date of infringement of the '494 Patent, the '580 Patent, the
3 '086 Patent, the '408 Patent, the '844 Patent, the '968 Patent and the '731 Patent; and

4 G. Such further and other relief as the Court may deem proper and just.

5
6
7 Respectfully submitted,

8 Dated: July 15, 2015

9 By: /s/ Paul J. Andre

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12 James Hannah
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28 *Attorneys for Plaintiff*
FINJAN, INC.

DEMAND FOR JURY TRIAL

Finjan demands a jury trial on all issues so triable.

Respectfully submitted,

Dated: July 15, 2015

By: /s/ Paul J. Andre

Paul J. Andre

Lisa Kobialka

James Hannah

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